(8)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 488 OF 2002

BETWEEN

Kailash Chand Gangwani, aged 17 years, S/o Shri J.b. Gangwani, minor, through his next friend, natural father Guardian J.b.Gangwani, Principal, D.K.College, Baloda Bazar, District Raipur (CG).

PETITIONER

A N D

1. Central Board of Secondary Examination, New Delhi .

2. Principal, Holly Cross Senior Secondary School, Kapa, Raipur.(CG).

3. Regional Officer, Central Board of Secondary Examination, Ajmer (Rajasthan).

P.R. No. 488/02
Presented by Shri A.P. Tiwari
dated 01.02.02

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT COMMANDING THE RESPONDENT TO ALLOW THE PETITIONER TO APPEAR IN THE SECONDARY BOARD EXAMINATION WHICH IS BEING HELD SINCE 18.1.2002 AND THE NEXT PAPER IS ON 2.3.2002 AND THEREAFTER OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION OR RELIEF APPROPRIATE TO THE FACTS OF THE CASE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (45)

आदेश पत्रक

मामला क्रमांक W.P. No. 488/2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

01/02/2003

Shri G.S. Agarwal, counsel for the petitioner.

Shri Manindra shrivastava, counsel for the respondent.

Heard.

The challenge in this writ petition is to the inaction on the part of the respondent/Board in not allowing the petitioner to appear in the Xth Board Examination for the academic year 2001 – 2002 on the ground of short attendance.

According to the petitioner, the order is bad as his attendance was not short. However, since practically one academic session is over, the petitioner has moved an application for withdrawal of this writ petition with a prayer that a direction may be issued to the Board to permit him to appear as a private candidate.

It is the case of the petitioner that he is otherwise eligible to appear as a private candidate, but his application has been turned down because of slight delay in submitting his form. Annexure P/1-A dated 28/02/2002 indicates that the Principal, Holy Cross Senior Secondary School, at the appropriate time, had written a letter to the Board to condone the delay as the petitioner was absent due to bereavement in his family.

Considering the facts and circumstances of the case, the Court feels that no prejudice will be caused to anyone if the Board takes a sympathetic view in the matter and in case the petitioner is otherwise eligible to appear as a private candidate it condones the delay in submitting his form. Under the

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circumstances, the writ petition is disposed of as withdrawn with a direction that the Board will, considering the facts and circumstances of the case and the fact that the petition was pending, take a sympathetic view in the matter and condone the delay in submitting the form and permit the petitioner to appear in the Xth Board Examination as a private candidate, if he is otherwise eligible.

Certified copy as per rules.

Sd/-
P.C NAIK
Judge